

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Tyler Bennett, Task Force Officer with the Drug Enforcement Administration, being duly sworn, deposes and states:

1. I am an investigative or law enforcement officer of the United States and am empowered by law to conduct investigations and to make arrests for violations of federal law.

2. In June 2012, I graduated from Salisbury University with a bachelor's degree in interdisciplinary studies. I was previously employed by Ocean City, Maryland as a Public Safety Aide from May 2010 to September 2011. I attended training at the Eastern Shore Criminal Justice Academy in December 2012. This training consisted of blocks of instruction pertaining to search and seizure laws and training in the investigation of the violation of Maryland laws including but not limited to murder, rape, robbery, theft, drug detection and enforcement, and traffic enforcement. I have been a duly sworn deputy with the Wicomico County Sheriff's Office since December 2012.

3. I receive mandatory annual service training provided by the Wicomico County Sheriff's Office and have received additional trainings concerning drug trafficking and narcotics investigations. On September 5, 2015, I was assigned to the Wicomico County Sheriff's Community Action Team. As part of this assignment, I patrolled areas designated as "hot spot" areas known to have open-air drug markets.

4. Since January 2018, I have been assigned to the DEA Salisbury Residence Office located in Salisbury, Maryland as a certified Task Force Officer (TFO). As such, I have been responsible for investigations involving unlawful activities including drug smuggling/trafficking occurring in the District of Maryland.

5. I have executed, prepared, and/or participated in numerous search and seizure warrants. I have authored affidavits in support of search warrants and participated in Title III wire intercept investigations. I have arrested and/or participated in multiple arrests for violations of state and/or federal narcotics statutes.

6. This affidavit is being submitted in support of criminal complaint and arrest warrant for Jeffrey Dean **LECATES** (born 1968) with 18 U.S.C § 922(g) (Felon in Possession of Ammunition) and 18 U.S.C. §922(a)(1) (Unlicensed Dealing in Firearms and Ammunition) (hereinafter the “Target Offenses”). Based on the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that **LECATES** committed the Target Offenses.

7. I submit this Affidavit for the limited purpose of establishing probable cause for the criminal complaint. Accordingly, I have not included every detail of every aspect of the investigation but have set forth only those facts that I believe are necessary to establish probable cause. The information contained in this Affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals to include experienced gun investigators/special agents with the Bureau of Alcohol Tobacco & Firearms (ATF). All conversations and statements described in this Affidavit are related in substance and in part unless otherwise indicated.

#### Probable Cause

8. I know from database checks that **LECATES** is a convicted felon and prohibited from possessing firearms and/or ammunition under federal law. Specifically, in 2017, **LECATES** was convicted of Assault First Degree and sentenced to 15 years imprisonment, suspend all but 3 years and 5 years supervised probation. I know that **LECATES** is currently on supervised

probation<sup>1</sup>. I know further that all probationers are advised they cannot possess firearms or ammunition.

9. Further, **LECATES** was convicted of Theft: Less \$1,000 Value in 2017, CDS Possession – Not Marihuana in 2009 and 2005, Assault with Intent to Maim in 2000, and Possession of cocaine in 1999. **LECATES** also has a lengthy arrest record with many stet or nolle prossed charges stemming as far back as 1996. **LECATES** is not a licensed manufacturer or dealer in firearms or ammunition.

10. Beginning in December 2020, Wicomico County Sheriff's Office (WCSO) officers spoke with three confidential sources regarding **LECATES**. All three sources indicated that **LECATES** is building/manufacturing and selling firearms. They further indicated that, in one instance, **LECATES'** mother traveled to a gun store in Parsonsburg, MD to purchase either a firearm or firearm component for **LECATES**.

11. On February 18, 2021, Det. Gilmore, Det. Riggin, and I conducted a trash pull from **LECATES** home at 405 Venton Place, Salisbury, Maryland (hereinafter “405 Venton Place”). I observed a large black can on the edge of the property next to the driveway and removed several bags of trash from the can and transported them back to WCSO for processing. We removed the trash without trespassing on the property. During the examination of the trash at WCSO, we located:

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<sup>1</sup> Pursuant to a query of Lecates' criminal history, **LECATES** also has a pending violation of probation report. Specifically, **LECATES** was arrested for CDS: Possession - Not Marijuana, CDS: Possession of Paraphernalia, Driving a Vehicle on a Suspended or Revoked License, and other related charges in Wicomico County District Court case: D-023-CR-20-000755. Those charges are pending.

a. A brownish copper mesh colloquially known as "chore-boy." Based on my training and experience, I know that chore-boy is used by individuals as a filter when smoking crack cocaine.

b. Three syringe caps and one hypodermic syringe. Based on my training and experience, I know that syringe caps are a part of syringes which are commonly used in the aid of injecting various CDS into the human body.

c. One Suboxone package wrapper. Based on my training and experience I know that Suboxone contains Buprenorphine.

d. Mail addressed to **LECATES**, his mother, and another female at 405 Venton Place.

12. On February 19, 2021, I attempted to do a knock and talk at 405 Venton Place. Upon arrival, I observed a black Jeep SUV, bearing Maryland registration, 4EC1518. I ran the registration and noted it was registered to **LECATES**. I also observed multiple stickers on the back glass of the Jeep including a red "MAGPUL" sticker. Based on my training and experience, I know that MAGPUL is a firearms parts distributor that specializes in the sales of accessories and parts for AR-15 and AR-10-style firearms.

13. I observed a second sticker on the Jeep that read "80 % ARMS" with a picture of an AR-15-style rifle. I am familiar with the company "80% Arms," and know it to be an internet-based website used for purchasing AR-15 and AR-10 firearm kits, as well as "jigs" that are used to convert 80% lower receivers into fully functional lower receivers that can be assembled into a functioning AR-15 rifle. Based on my training and experience, I know that people who are involved in building AR-15 rifles will start with an 80% lower receiver. An 80% lower receiver does not contain serial numbers and is not tracked by the government. Individuals then drill out

the receiver to become functional and assemble the necessary parts to complete the firearm and make it operational.

14. I observed a third sticker on the Jeep that stated "Mossberg" which I know to be a firearm manufacturer that produces shotguns, handguns, and rifles.

15. On February 22, 2021, WCSO queried the Maryland Automated Firearms Services System ("MAFSS") regarding **LECATES'** mother. MAFSS is an auditing system that the Maryland State Police use to track the sales and ownership of regulated firearms. The query revealed that **LECATES'** mother has a TNS (Model TNARMS15) lower receiver registered in her name at 405 Venton Place. A registered lower receiver can be converted into a complete AR-15 style rifle. The lower receiver is considered a registered and regulated firearm. This information is consistent with the information provided by confidential sources and corroborates those tips.

16. As a result of the above investigation, I sought and obtained a search and seizure warrant on February 22, 2021 for **LECATES'** home, 405 Venton Place, from Wicomico County Circuit Court Judge Sypros James Sarbanes. Law enforcement executed the warrant on February 23, 2021. At that time, law enforcement discovered and seized the following items:

- a. 45 round capacity black PMAG
- b. 20 rounds of REM Wolf 223 ammunition
- c. **One 308 WIN live round**
- d. **One AP 300 AACBLK live round**
- e. **One FC 224 Valkyrie live round**
- f. **53 FC 224 Valkyrie spent shell casings**
- g. Picatinny rail adapter
- h. Rifle picatinny accessory mount
- i. Chore boy
- j. Book titled "How to Build Military Grade Suppressors"
- k. Black book bag under kitchen counter containing a poly Assault Rifle jig, tan/green AR 15 80% lower with drilled holes, a black AR 15 80% lower billet design, a black/red AR 15 80% lower billet design, a black AR 15 80% lower billet design, klien tools yellow pliers, AR trigger guard install tool, five paper shooting targets, two sets of firearm drill bits, two cans of gun cleaner and yellow rag, and a wallet that contained Lecates' medical cannabis card

- l. Red gun rail
- m. Plastic bag containing gun parts and scope covers
- n. Two black cans used as suppressors for AR 15
- o. Plastic bag containing wrenches and red gun rail for AR 15
- p. Plastic bag containing gun parts with stock cover
- q. Gold and black firearm hammer tool
- r. Miscellaneous drug paraphernalia, some containing suspected drug residue
- s. Various other spent and live shotgun shells

The ammunition in bold was found in a dresser in what appeared by me based on other indicia to be **LECATES'** bedroom.

17. I know that most (if not all) of the ammunition recovered during the search was not manufactured in the state of Maryland and was therefore in and affecting interstate commerce when seized.

18. **LECATES** waived his *Miranda* rights and consented to an interview with WCSO officers. The interview is recorded on Body Worn Camera. In sum or substance, **LECATES** stated there are four lower receivers inside his residence but was not sure if they were drilled out or not. **LECATES** stated that he purchased 3 out of the 4 lower receivers. **LECATES** advised that his boss builds firearms. **LECATES** was holding back information and not completely forthcoming during the interview as noted in the paragraphs below.

19. In addition, law enforcement obtained **LECATES** written consent to search his cellular telephone. After a forensic examination of the phone, I located numerous text messages indicating that **LECATES'** was actively building and illegally selling/transferring firearms and ammunition. For example:

a. On October 7, 2020, **LECATES** discussed selling an AR-style pistol to an individual and asked the individual to transfer the money to his bank account via a mobile banking application.

b. On November 11, 2020, **LECATES** told an individual that his “new pistol” was “done.” He then indicated that he would deliver the pistol along with ammunition to the individual on November 12, 2020.

c. On November 30, 2020, **LECATES** told an individual that he sold a firearm “without the can” for \$1,600. It is my opinion that **LECATES** was referring to a suppressor (more commonly known as a “silencer.”)

d. On January 10, 2021, **LECATES** sent a photograph to an individual and wrote, “[t]his is the last AR-14 that I bult[.]” [sic]

20. I know that some of the communications in **LECATES** phone regarding the transfer and/or sale of firearms and ammunition were with individuals who do not reside in the state of Maryland.

21. I also located numerous photographs of weapons on **LECATES**’ phone. There are at least 12 outgoing photos that appear to be different firearms from November 1, 2020 until November 23, 2020, or the same firearm that had been reconfigured. In some instances, the same firearm photograph was sent to different people. The following is a sample of the pictures:





22. I also located one text message that indicated **LECATES** knowledge that he was prohibited from engaging in the Target Offenses. Specifically, on July 25, 2020, **LECATES** told an individual, “All these pictures I’ll be in the feds for the rest of my left” [sic].

23. On March 16, 2021, at approximately 1036 hours, Det. Gilmore and ATF Special Agent Adam Delgado conducted an audio and visually recorded interview with **LECATES** at the WCSO. SA Delgado introduced himself and advised **LECATES** that he wanted to ask him several questions pertaining to his case. SA Delgado told **LECATES** that he was at the WSCO voluntarily and was not under arrest. SA Delgado stated to **LECATES** that he was free to leave at any point.

In sum or substance, **LECATES** admitted he had been building firearms for transfer or sale to third parties.

**Conclusion**

Based on the foregoing, I respectfully submit that there is probable cause to believe that Jeffrey **LECATES** has committed violations of 18 U.S.C. §§ 922(g) and 922(a)(1) and respectfully seek a Criminal Complaint and arrest warrant for **LECATES**.

To the best of my knowledge and belief, all statements made in this affidavit are true and correct.



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TFO Tyer Bennett, DEA

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 22nd day of March 2021



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Honorable A. David Copperthite  
United States Magistrate Judge